

FINAL
TOWN BOARD AGENDA
TOWN OF YORKTOWN
December 16, 2014

PLACE:
TOWN HALL

TIME:
7:30pm

1. PLEDGE OF ALLEGIANCE – Eagle Scouts
Nicholas F. DiSanzo – Troop 164
Gregory Rivera – Troop 174

2. MOMENT OF SILENCE

3. REPORT TO THE TOWN FROM SUPERVISOR GRACE

The Randy Zapakin Community Service Award – Yorktown Rotary Club

4. REPORTS FROM TOWN COUNCIL

5. COURTESY OF THE FLOOR

6. PERSONNEL

Requests for vacation carryover and/or payout

WHEREAS, the following employees have requested and received permission from their applicable department heads to carry 2014 accrued time for use in 2015, and

WHEREAS, the comptroller has confirmed the available balances, now

THEREFORE BE IT RESOLVED, the following employees may carry over vacation time balances remaining, unless the employee has taken vacation time after 2014 Payroll 24 which would reduce the time listed below:

<u>Name</u>	<u># days</u>	<u># hours</u>
William Nehmzow	2	
Kim Penner	35	
Liz Proctor		36
Andrew Cerrato	3	
Adele Hobby		74.5
Dominic Monopoli	5	
Guido Parks	7	
Peter Goldberg	4	
Alfred Pisano	7	
Michael Hoek	9	
Anita Hecker	2	
Barry Gelbman	6	
Brian Gray	8.5	

Barbara Korsak	13	
Louise Kobiliak	5	
Margaret Gspurning	20	
Jeff Dahlke	4	
Jimmy Morgan	5	
Doug Neeson	4	
Cathy Romanych	11	
Kathie Nicholson	7	
Mary Capoccia	5	
Mary DeSilva	30	
Daniel McMahon	15	
Donna Andrews	4	
Sandy Serrano	1	
Patricia Caporale	21	
Joe Venitucci	10	
John Winter	11	
Mauren Davis		7.5
Maria Stolfi		28
Patricia Barresi		42
Karren Perez	10	
Paul Hollopeter		135
Bradley Sheppard		4.5
Charlie Vilarino		153.75
Anne Anderson		35
John Tegeder	7	
Kieran Carney	5	
Isabel Klein	20	
Maria Ricci	5	
Andy Alimonti		52.5
Jeff Bischoff		97.5
Paul Colarusso		15
Tony Cambareri		43.75
Teddy Devlin		30
Patty Cole		7.5
Joe Dellolio		60
Peter Reyes		22.5
Donald Curry		5
Daniel Moran		64.5
Adam Cerrato		72
Butch Gauthier		67.50
Ray Granata		45

Philip Klein		84
Michael Grasso		75
Robert Ireland		127.5
John Calcutti		22.5
J. John Michaud		38.75
Tom McNulty		30
Scott Mills		37.5
Joseph Muir		15
David Nikisher		33.75
Joe Pagliaro		48.75
Paul Shields		44.5
Paul Welsch		31.25

Resignation:

Caroline McKinley – John C. Hart Library

7. AWARD BIDS

Parks Department - Demolish and remove a barn at Granite Knolls

WHEREAS, bids were accepted on Tuesday, December 2, 2014 to demolish, remove and dispose of barn located in Granite Knolls Park on Stoney Street, and

WHEREAS, bids were received from the following:

<u>Bidder</u>	<u>Total Cost of Project</u>
Capital Industries Corp. 555 Saw Mill River Road Yonkers, NY 10701	\$26,800
Acocella Contracting, Inc. 68 Gaylor Road Scarsdale, NY 10583	\$44,600
Land V Scape, Inc. 5 Dogwood Lane Katonah, NY 10536	\$55,000
Taylor Recycling Facility, LLC 350 Neelytown Road Montgomery, NY 12549	\$55,895
Con-Tech Construction Technology Inc. 28 Lakeview Drive	\$80,550

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE RECONSTRUCTION/CONSTRUCTION OF IMPROVEMENTS TO VARIOUS ROADS, INCLUDING CULVERTS AND CATCH BASINS, IN AND FOR THE TOWN OF YORKTOWN, WESTCHESTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,450,000 AND AUTHORIZING THE ISSUANCE OF \$1,450,000 SERIAL BONDS OF SAID TOWN TO PAY THE COST THEREOF

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, IMPROVEMENTS TO SPARKLE LAKE DAM IN AND FOR THE TOWN OF YORKTOWN, WESTCHESTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$270,000 AND AUTHORIZING THE ISSUANCE OF \$270,000 SERIAL BONDS OF SAID TOWN TO PAY THE COST THEREOF.

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, IMPROVEMENTS TO VARIOUS TOWN BUILDINGS IN AND FOR THE TOWN OF YORKTOWN, WESTCHESTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$175,389 AND AUTHORIZING THE ISSUANCE OF \$175,389 SERIAL BONDS OF SAID TOWN TO PAY THE COST THEREOF.

Approve Sewer Dept. Budget Transfer

BE IT RESOLVED, that the Comptroller is hereby authorized to transfer \$896,382.00 from the Sewer Fund - Fund Balance to disburse payment to Evoqua Water Technologies for the purpose of the membrane filtration module replacement

BE IT FURTHER RESOLVED, that the New York City Department of Environmental Protection (NYCDEP) will reimburse the Town of Yorktown one hundred percent for the total sum of the project as part of its agreement with the Town of Yorktown for the operation and maintenance of upgrades required by the city's watershed regulations.

Requests from the Engineering Department:

Bond – Releases:

Con Ed - #WP-034-12

WHEREAS, Con Ed, as applicant, posted check #0000348944 in the amount of \$300.00 which was deposited into the T33 Account on August 9, 2012 covering Wetland Permit #034-12 for work performed at the Grant Avenue location, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$300.00 for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Control Bond in the amount of \$300.00, be and is hereby released.

Saravideo - #WP-042-06

WHEREAS, Christine Sarvaideo as applicant, posted \$500 in cash which was deposited into the T33 Account on July 21, 2006, covering Wetland Permit #042-06 for work performed at her Larkspur Street residence, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$500.00 for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Wetland Bond in the amount of \$500.00, be and is hereby released.

Chouraqui - #BSWPPP-046-14

WHEREAS, Philippe Chouraqui as applicant, posted check #844 in the amount of \$1,000.00 which was deposited into the T33 Account on August 29, 2014, covering Stormwater Permit #046-14 for work performed at his Hayes Drive residence, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$1,000.00 for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Wetland Bond in the amount of \$1,000.00, be and is hereby released.

Terzian - #WP-072-14

WHEREAS, John Terzian, as applicant, posted Check #846 in the amount of \$300.00 covering Wetland Permit #072-14, for work performed at his Sultana Drive residence, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$300.00 for wetlands may be released to the applicant, NOW, THEREFORE BE IT

RESOLVED, that the above-described monies be and is hereby released.

Requests from the Highway Superintendent:

Approve Budget Transfers

BE IT RESOLVED, that the Town Board authorizes the following budget transfer to disburse payment to Riverview Industries for the purchase and installation of a steel dump body on a Highway Department packer truck

From:

D.5110.810 Medical \$9,995.00

To:

D5110.201 Equipment \$9,995.00

BE IT RESOLVED, that the Town Board authorizes a budget transfer from the General Fund ~ Fund Balance to the Snow Removal Material & Supply Line D5142.403 for the purchase of salt and magnesium chloride in the amount of \$67,205.00

Request from the Director of the Section 8 Program:

Authorize Payment for Software:

RESOLVED, that the Town Comptroller is authorized to pay Happy Software, Inc. for a one year software license and software support for computer software provided to the Section 8 Office, to cover the period from February 1, 2015 through January 31, 2016. The payment amount is \$4,333.00 as shown on the invoice(s) dated December 1, 2014. The source of funds is Housing Assistance Payments Account maintained by the Section 8 office and funded by U.S. Department of Housing and Urban Development (“HUD”).

Request from the Town Attorney

Approve Budget Transfer:

BE IT RESOLVED, the following budget transfer in the Town Attorney’s budget 2014 is hereby authorized:

\$2,500.00 from A1420.0443.0000 (Legal Settlements) to A.1420.0426.0001 (Prosecutor)

Requests from YCCC Managing Agent

Approve Lease Agreement:

Manetoo Dance Ensemble (dba Westchester Ballet)

WHEREAS, Manetoo Dance Ensemble, Inc. d/b/a Westchester Ballet Center, a New York for profit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Yorktown Community & Cultural Center as set forth in Schedule A of a proposed lease, which Schedule A is annexed hereto, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §§ 90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §§ 82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in The Yorktown News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the

sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

Yorktown Stage, Inc.

WHEREAS, Yorktown Stage Inc. a New York not-for-profit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Yorktown Community & Cultural Center as set forth in Schedule A of a proposed lease, which Schedule A is annexed hereto, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §§ 90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §§ 82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in The Yorktown News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

Corporate Children’s Center (aka Bright Beginnings)

WHEREAS, Corporate Children’s Center (aka Bright Beginnings) a New York for profit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Yorktown Community & Cultural Center as set forth in Schedule A of a proposed lease, which Schedule A is annexed hereto, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §§ 90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §§ 82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in The Yorktown News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

Yorktown Teen Center

WHEREAS, the Yorktown Teen Center a New York not for profit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Yorktown Community & Cultural Center as set forth in Schedule A of a proposed lease, which Schedule A is annexed hereto, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §§ 90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §§ 82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in The Yorktown News Journal News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

Yorktown Community Help, Inc.

WHEREAS, Yorktown Community Help, Inc. a New York not for profit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Yorktown Community & Cultural Center as set forth in Schedule A of a proposed lease, which Schedule A is annexed hereto, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §§ 90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

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Westchester Community Opportunity Program, Inc.

WHEREAS, Westchester Community Opportunity Program, Inc. a New York not for profit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Yorktown Community & Cultural Center as set forth in Schedule A of a proposed lease, which Schedule A is annexed hereto, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §§ 90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §§ 82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in The Yorktown News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

Request from Town Clerk:
Set the time for the December 31. 2014 Meeting

8. REFUNDS

Request from the Highway Superintendent
Release Street Opening Permit – 013-010 \$3,200 – Bradhurst Site Construction

Request from the NWJWW
Refund - Account #41-1501172-2 - \$638.42

9. PUBLIC HEARINGS

Convene:

COSTCO - Request for a Special Use Permit for a gasoline filling station

The application received from Retail Store Construction Co., Inc. for a Special Use Permit to build a “gasoline filling station” at the site of the Proposed Costco Wholesale Club, Section 26.18 Block 1, Lot 17, 18, & 19 – Route 202 and the Taconic State Parkway to the agencies listed below for their review and/or recommendation, and

BJ’S WHOLESALE CLUB - to consider a petition filed by BJ’s Wholesale Club, Inc.(“BJ’s”) and UB Yorktown, LLC (“UB”) seeking the following:

A zoning map amendment to rezone from the existing C-1 Zoning District to the C-3 Zoning District; a total of approximately 10.1 acres encompassing the entire 7.3 acre BJ’s Lot (i.e., Lot 75), as well as a 2.8 acre portion of the 15.7 acre adjoining Shopping Center (i.e. Lot 76) (the Subject Area), and

A special permit for a proposed gasoline filling station to be associated with the existing BJ’s, and constructed in the rezoned portion of Lot 76

10. DISCUSSIONS

To consider the application received from Tom McCrossan and Mark McGoldrick for a Special Use Permit to operate a Convalescent Home at 482 Underhill Avenue, Yorktown Heights, NY 10598.

2015 BUDGET

Budget resolutions changes for “A” budget

1. Resolved that the 3% increase in salary for elected officials be removed from the Preliminary Budget

2. Resolved that line item A.7030.0430 be reduced by \$60,000 to eliminate the purchase of a projector for the YCCC.

3. Resolved that line item A.1010.0200 (legislative board, equipment) be reduced by \$15,000 to forego buying or building a new board table

4. Resolved to add \$5,000 to A.1010.0490, professional cable services, to pay to televise Town Board work sessions

Budget resolution changes for SW and YS

Explanation:

1. the capital projects for both funds will be taken out of the operating budget and paid for, with same dollar amounts, from the fund balance, as the money is needed.
2. This will reduce the FB revenue line in each budget and change the tax levy, with the net change being that the town will use more of its “allowed” tax levy, but still come in \$6,604 UNDER the levy cap. This will give us more levy for the 2016 budget.
 - a. Impact on SW: Decrease of \$2.30 for typical \$10,000 assessment
 - b. Impact on YS: Increase of \$26.96 – which is still \$78.72 lower than 2013 rate.
3. Taking the capital projects out of the operating budget will reduce the special district administrative fee – hence the changes needed to the General Fund.
4. Without knowing if the outcome of the votes on the other General Fund changes I will be proposing, it’s too early to propose exact changes in the General Fund budget. There is leeway, however, with the \$100,000 contingency line. Pat can make the adjustments during the vote/discussion.

SW changes

1. Resolved, reduce SW 0000.1002 To \$750,000
2. resolved, eliminate SW8340.0483.0001
3. resolved, eliminate SW8340.0483.0005
4. resolved, eliminate SW8340.0483.0006
5. resolved, change SW 9901.0903 to \$520,379

YS changes

1. Resolved, reduce YS 0000.1002 to \$625,000
Resolved, eliminate YS 8130.0462
2. Resolved, eliminate YS 8130.0422
3. Resolved, change YS9901.093 to \$580,598

“A” changes (to reflect changes in SW and YS special district fee)

1. Resolved, change A0000.5031.0001 to \$520,379
2. Resolved, change A0000.5031.0002 to \$580, 598
3. Resolved, eliminate A.1990.0499 (contingency)
4. adjust the “A” revenue line to reflect the decrease in SW and YS admin fee and possibly make up the revenue difference\ between deleting the \$100,000 contingency line.
5. Also adjust for any other changes to A fund based on other budget changes.

Additional resolution to be proposed on December 16.

Special District Study resolution

Whereas the Refuse, Water and Yorktown Sewer special districts pay in excess of \$1.4 million to the General Fund as reimbursement for administrative services that are paid out of the General Fund, and

Whereas that payment is generally calculated as a flat percentage of each district's budget, with the exception of the Yorktown Sewer budget which is calculated differently, and

Whereas that flat percentage was increased from 5% to 6% beginning with the 2013 budget without any documentation that the actual cost of providing administrative services to the special districts had in fact increased or was based on any documentation of the cost of administrative services that had been or were to be provided to the special districts in the following budget year, and

Whereas the issue of how much the special districts should be charged for administrative services that are paid for out of the General Fund has remained unresolved and subject to differing opinions since it was first discussed by the Town Board in November 2012, and

Whereas the administrative fee is assessed on the assumption that the General Fund will be providing the districts with certain services in the following year but in actual practice some of those anticipated services were not required or provided because of unanticipated changes in the districts' operations, resulting in an overcharge to the special districts,

Now therefore be it resolved, that the Finance Department, working with the town staff, is directed to undertake a study to determine exactly what General Fund services are provided to each special district and at what cost, and that the findings of this study shall provide the basis for assessing special district fees for the 2016 budget that are reasonable and justified based on the actual services provided and the actual costs of providing those services, and

Be it further resolved that said study shall be completed by June 1, 2015 in order to provide the Town Board with ample time to review the study's findings prior to the preparation of the 2016 Tentative Budget.

district and at what cost, and that the findings of this study shall provide the basis for assessing special district fees for the 2016 budget that are reasonable and justified based on the actual services provided and the actual costs of providing those services, and

Be it further resolved that said study shall be completed by June 1, 2015 in order to provide the Town Board with ample time to review the study's findings prior to the preparation of the 2016 Tentative Budget.

11. ADJOURN

Alice E. Roker
Town Clerk
Town of Yorktown

Date: December 16, 2014

*Town Board Meetings begin at 6:45 PM.. The televised meeting starts at 7:30PM.

See a list of outstanding bids and on-going applications before the Town Board on the Town Clerk's page, Town of Yorktown's website: www.yorktownny.org

Outstanding Bids:

Purchase and installation of boiler at Water Department, 1080 Spillway Road, Shrub Oak, NY

Plumbing Work for the Emergency Generator at the YCCC – Buildings and Grounds Department